

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MICHAEL CRUMBLE,**  
**Plaintiff**

**v.**

**UNITED STATES OF AMERICA, et al.,**  
**Defendants**

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**No. 1:23-cv-01342**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 12th day of September 2024, upon consideration of (1) the complaint filed by pro se Plaintiff Michael Crumble (“Crumble”), (2) the motion to dismiss and/or motion for summary judgment filed by Defendants United States of America, Sage, Ms. Swaboski, Mr. Steffan, Ms. Loury, and Mr. Kubicki (Doc. No. 19), (3) Defendants’ statement of material facts in support of their motion for summary judgment (Doc. No. 24), (4) Defendants’ brief in support of their motion for summary judgment (Doc. No. 25), (5) Crumble’s “Motion to Delay Case Indefinitely,” which this Court has interpreted as a motion to stay (Doc. No. 33), and (6) Crumble’s motion to appoint counsel (Doc. No. 32), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Crumble’s motion to stay (Doc. No. 33) is **DENIED**;
2. Defendants’ motion to dismiss the complaint and/or motion for summary judgment (Doc. No. 19) is **GRANTED IN PART and DENIED IN PART** as follows:
  - a. The motion to dismiss, insofar as Defendants move to have the Court dismiss Crumble’s claim under the Federal Tort Claims Act (“FTCA”) against Defendant United States of America, is **GRANTED**. Crumble’s FTCA claim against Defendant United States of America is **DISMISSED WITHOUT PREJUDICE**;
  - b. The motion to dismiss, insofar as Defendants move to have the Court dismiss Crumble’s Eighth Amendment Bivens claims against Defendants Sage, Ms. Swaboski, Mr. Steffan, Ms. Loury, and Mr. Kubicki in their

official capacities, is **GRANTED**. Crumble's Eighth Amendment Bivens claims against Defendants Sage, Ms. Swaboski, Mr. Steffan, Ms. Loury, and Mr. Kubicki in their official capacities are **DISMISSED WITHOUT PREJUDICE**;

- c. The motion to dismiss, insofar as Defendants move to have the Court dismiss Crumble's Eighth Amendment Bivens claims against Defendants Sage, Ms. Swaboski, Mr. Steffan, Ms. Loury, and Mr. Kubicki in their individual capacities for the failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure, is **GRANTED**. Crumble's Eighth Amendment Bivens claims against Defendants Sage, Ms. Swaboski, Mr. Steffan, Ms. Loury, and Mr. Kubicki in their individual capacities are **DISMISSED WITH PREJUDICE**; and
  - d. Defendants' motion for summary judgment is **DENIED AS MOOT**;
3. Crumble's motion to appoint counsel (Doc. No. 32) is **DENIED AS MOOT**; and
  4. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania